

**B. RESOURCE OWNERSHIP****WAC 388-470-0010 How to determine who owns a resource.**

Unless specifically stated, this section applies to all cash, TANF-related medical and food assistance programs.

- (1) A client owns a resource when the client holds the title to real or personal property or has possession of the property but there is no title.
- (2) A client may provide evidence to clarify ownership when doubt exists about:
  - (a) Ownership (full or partial);
  - (b) Legal control; or
  - (c) Value.
- (3) Community property is an available resource unless the client can provide proof to the contrary.
- (4) Real or personal property is considered to be community property when it is in the name of either the husband or wife or both and can be disposed of by either of them.
- (5) For cash assistance, community property owned by the husband or wife or both will be used to determine eligibility for the assistance unit, regardless that one or both are clients.
- (6) Resources are considered separate property rather than community property when the property was:
  - (a) Acquired and paid for by either spouse before marriage;
  - (b) Acquired and paid for entirely out of income from separate property; or
  - (c) Received by one of the spouses as a gift or inheritance.

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| (7) Property is no longer considered separate when both community and separate properties are used to purchase or improve real or personal property. |
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